

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Elof Hanson USA Inc. :
Plaintiff, : **SCHEDULING ORDER**
- against - :
Bolivar Ernesto Infante Quinones : **18 Civ. 2758 (VB)(PED)**
Defendant. :
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PAUL E. DAVISON, United States Magistrate Judge.

This matter having been referred to the undersigned for a Report and Recommendation as to plaintiff's motion for default judgment [Dkt. 142] and to conduct an inquest as to plaintiff's damages, it is hereby Ordered:

1. Plaintiff shall file a Memorandum of Law explaining, as to each cause of action as to which judgment is sought, the legal basis for such cause of action and how the well-pleaded allegations of the operative complaint demonstrate liability as to that cause of action.
2. Plaintiff shall also file Proposed Findings of Fact and Proposed Conclusions of Law concerning damages or other monetary relief. The submission shall contain a concluding paragraph that succinctly summarizes what amount(s) of damages (or other monetary relief) are being sought, including the exact dollar amount(s) being sought.
3. Plaintiff's Proposed Findings of Fact should specifically tie the above proposed figure(s) to each of the legal claim(s) set forth in the Complaint; should demonstrate how Plaintiff has arrived at the proposed figure; and should be

supported by one or more affidavits, which may attach any documentary evidence establishing the proposed figure(s). Each proposed finding of fact shall be followed by a citation to the paragraphs of the affidavit(s) and/or page of documentary evidence that supports each such Proposed Finding. To the extent that the Proposed Findings contain any allegations regarding liability, the Proposed Finding should cite to the appropriate paragraph of the Complaint. In lieu of Proposed Conclusions of Law, Plaintiff may submit a memorandum of law setting forth the legal principles applicable to Plaintiff's claim(s) for damages or other monetary relief.

3. Plaintiff shall promptly serve a copy of this Order on Defendant and shall file an affidavit of service.
4. Plaintiff's submissions are due April 8, 2020, and shall be served on Defendant with affidavit of service filed. Defendant shall file any response within 14 days of service.
4. The Court hereby notifies the parties that it may conduct the inquest based solely upon the written submissions of the parties. See Fustok v. ContiCommodity Servs, Inc., 873 F.2d 38, 40 (2d Cir. 1989). To the extent that any party seeks an evidentiary hearing on the issue of damages (or other monetary relief), such party must set forth in its submission the reason why the inquest should not be conducted based upon the written submissions alone, including a description of

what witnesses would be called to testify at a hearing and the nature of the evidence that would be submitted.

Dated: March 8, 2021
White Plains, New York

SO ORDERED



Paul E. Davison
United States Magistrate Judge